United Nations A/63/210–S/2008/515

General Assembly
Security Council

Distr.: General
4 August 2008

Original: English

General Assembly
Sixty-third session
Item 71 of the provisional agenda*
**Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991**

**Security Council**
**Sixty-third year**

# Report of the International Tribunal for the Former Yugoslavia

## Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly and the members of the Security Council the fifteenth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, submitted by the President of the International Tribunal in accordance with article 34 of the statute of the Tribunal (see S/25704 and Corr.1, annex) which states that:

> "The President of the International Tribunal shall submit an annual report of the International Tribunal to the Security Council and to the General Assembly".

* A/63/150.

08-44882 (E) 260808

## Letter of transmittal

4 August 2008

Excellencies,

I have the honour to submit the fifteenth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, dated 1 August 2008, to the General Assembly and the Security Council, pursuant to article 34 of the statute of the International Tribunal.

Please accept, Excellencies, the assurances of my highest consideration.

(*Signed*) Fausto **Pocar**
President

President of the General Assembly
United Nations
New York

President of the Security Council
United Nations
New York

# Fifteenth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

*Summary*

The fifteenth annual report of the International Criminal Tribunal for the Former Yugoslavia covers the period from 1 August 2007 to 31 July 2008.

During the reporting period, the Tribunal continued to adopt concrete measures aimed at increasing the efficiency of trial and appeal proceedings. For the first time in the history of the Tribunal, eight trials were conducted simultaneously by the three Trial Chambers, including three multi-accused trials involving 18 accused. In addition, the Appeals Chamber issued a record number of decisions, including six judgements in the past year and three in the last six months.

Proceedings before the Tribunal focused on the most senior-level individuals accused of the most serious crimes. All low- and mid-level accused have been referred back to the courts of the region pursuant to rule 11 bis.

The Tribunal also hosted an increasing number of working visits and training programmes for courts in the region in order to ensure the preservation of its legacy through the prosecution of war crimes cases by domestic courts.

Serge Brammertz was appointed Prosecutor in January 2008, replacing Carla Del Ponte. He concentrated his efforts on securing the arrest of the remaining fugitives. Stojan Župljanin and Radovan Karadžić were arrested and transferred to the seat of the Tribunal in June and July 2008, respectively. The failure to arrest the remaining two fugitives, Ratko Mladić and Goran Hadžić, remains of grave concern to the Tribunal.

The Office of the Prosecutor strengthened its relations with prosecutors and courts in the region through training sessions, conferences and seminars. The Office of the Prosecutor also worked closely with the governments of the States of the former Yugoslavia in order to improve their relationships with the Tribunal.

The Registry continued to play a crucial role in the provision of administrative and judicial support. During the reporting period, the Registrar, under the authority of the President, also assisted in the identification of residual issues, including possible residual mechanisms. The Registry continued negotiations for the relocation of witnesses and enforcement of sentence agreements, successfully concluding three new agreements.

The Outreach Programme carried out a diverse range of activities with a view to increasing the profile of the Tribunal and bringing its judgements to the relevant communities. Court Management Services supported 12 trials and maintained all relevant documentation. The Victim and Witnesses Section assisted numerous witnesses and accompanying persons in The Hague and continued its work in relocating protected witnesses.

The Office of Legal Aid continued to support the assignment of Defence Counsel to accused at the Tribunal. It also addressed requests to facilitate the self-representation of high-profile accused.

The Human Resources Section recruited 76 staff in the Professional and higher categories and 124 General Service staff. The section oversaw the administration of a total of 1,146 staff members.

To date, the Tribunal has concluded proceedings against 114 accused out of the 161 indicted. The report that follows details the activities of the Tribunal during the reporting period and illustrates the Tribunal's unwavering commitment to meeting the completion strategy targets without sacrificing due process.

## Contents


| | | *Paragraphs* | *Page* |
|---|---|---|---|
| I. | Introduction | 1–4 | 5 |
| II. | Activities involving the entire Tribunal | 5–31 | 5 |
| | A. President | 5–27 | 5 |
| | B. Bureau | 28 | 8 |
| | C. Coordination Council | 29 | 9 |
| | D. Plenary sessions | 30 | 9 |
| | E. Rules Committee | 31 | 9 |
| III. | Activity of Chambers | 32–64 | 9 |
| | A. Composition of the Chambers | 32–38 | 9 |
| | B. Principal activity of the Trial Chambers | 39–59 | 10 |
| | C. Principal activities of the Appeals Chamber | 60–64 | 14 |
| IV. | Activity of the Office of the Prosecutor | 65–89 | 15 |
| | A. Overview | 65–67 | 15 |
| | B. Activity of the Prosecutor | 68–89 | 15 |
| V. | Activity of the Registry | 90–115 | 18 |
| | A. Office of the Registrar | 93–96 | 19 |
| | B. Judicial Support Services Section | 97–109 | 19 |
| | C. Administrative Support Services Division | 110–115 | 21 |

# I. Introduction

1. The fifteenth annual report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia ("ICTY") outlines the activities of the Tribunal for the period from 1 August 2007 to 31 July 2008.

2. During the reporting period, the Tribunal took steps towards implementing its completion strategy endorsed by Security Council resolution 1503 (2003). Judge Fausto Pocar (Italy) continued to serve as President, following his re-election at the plenary meeting of Judges in September 2007, and Judge Kevin Parker (Australia) continued to serve as Vice-President, following his re-election at the same time.

3. To date, the Tribunal has concluded proceedings against 114 accused out of a total of 161 indicted accused. The Tribunal's three Trial Chambers operated at full capacity, running seven trials and, as of March 2008, eight trials simultaneously. The Trial Chambers rendered 213 decisions on pretrial matters in 8 cases, heard 1 contempt case, and rendered 5 judgements. The Appeals Chamber also expedited its work, issuing 123 decisions comprising 6 appeals from judgement, 32 interlocutory appeals, 79 pre-appeal decisions and 6 review, reconsideration or other decisions.

4. The Tribunal pursued initiatives to strengthen national judiciaries in the former Yugoslavia and further improved its outreach activities. The President was actively engaged in efforts towards improving relations with the region as well as the broader international community.

# II. Activities involving the entire Tribunal

## A. President

5. President Pocar pushed forward a number of innovative reforms directed at expediting the completion of the Tribunal's work without sacrificing due process.

### 1. Internal reforms

6. The concrete measures identified by the working groups on speeding up trials and appeals were fully implemented and are detailed in the Tribunal's completion strategy reports to the Security Council.[1] In March 2008, President Pocar re-established both groups to review the success of the measures and to assess whether additional measures should be considered.

7. Following the approval of the Security Council in February 2008, the President appointed 2 additional ad litem judges above the statutory limit of 12 to allow the Tribunal to commence 2 new trials and bring the number of simultaneous trial proceedings to 8.

8. The most important rule amendment adopted during the reporting period was the amendment of rule 75(H) to allow victims or witnesses for whom protective

[1] S/2005/781 of 15 December 2005; S/2006/353 of 31 May 2006; S/2006/898 of 16 November 2006; S/2007/283 of 16 May 2007.

measures have been ordered to directly petition the Tribunal to rescind, vary or augment these protective measures.

9. Finally, the e-Court system was applied in all trials, resulting in a significant savings in court time.

### 2. External reforms

10. The Tribunal continued to enhance the capacity of national courts through several working visits and training programmes. Key materials were distributed to the region, while the Tribunal website served as a vital conduit for up-to-date information on its work.

11. The Tribunal also initiated two joint projects to secure the preservation of its legacy through the transmission of its expertise to other Courts. With the assistance of the United Nations Interregional Crime and Justice Research Institute (UNICRI), the Tribunal is compiling a manual of its best practices, which can be transferred for use in other international or domestic jurisdictions involved in the prosecution of war crimes cases. Also, in partnership with the Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights, the Tribunal is assessing the success of its capacity-building efforts and identifying what work remains to be done to ensure that local judiciaries have the capacity to continue the work of the Tribunal long after it completes its mandate.

### 3. Diplomatic relations and other representation

12. President Pocar was actively involved in cooperation and outreach activities to secure support for the work of the Tribunal and increase its international profile.

13. In August 2007, President Pocar met separately with the Ambassador of China and representatives of the United States of America.

14. In September 2007, President Pocar met separately with Ambassadors of Croatia, Japan, Belgium and the United States of America. On 5 September, President Pocar addressed diplomats from more than 60 countries at a diplomatic seminar organized by the Organisation internationale de la francophonie in Brussels. In his presentation, President Pocar gave an overview of the jurisprudential developments and achievements of the Tribunal before attending a round table with the Prosecutor and the Registrar, who also addressed the audience. President Pocar also participated in a round-table discussion on the International Criminal Court (ICC) at the Ministry of Foreign Affairs of the Netherlands, entitled "Impact of the ICC 5 Years On".

15. In October 2007, the Ambassadors of Mexico and of Bosnia and Herzegovina met separately with President Pocar. The President also met with members of the Macedonian judiciary during their three-day visit to the Tribunal to participate in a training programme on international humanitarian law supported by the OSCE Spillover Monitor Mission to Skopje, the United States Department of Justice, the Ministry of Justice of Macedonia and the Academy of Judicial Training in Skopje. Prosecutors from the Cantonal Court of Sarajevo also made a working visit to the Tribunal and met with President Pocar.

16. In November 2007, President Pocar welcomed Bosnian delegations from Sarajevo, who also visited the Tribunal to participate in training workshops.

17. In December 2007, the Ambassador of Poland met President Pocar at the Tribunal. President Pocar further participated in a meeting of Presidents of international courts in The Hague.

18. On 24 January 2008, more than 80 representatives of the diplomatic corps in the Netherlands attended a diplomatic briefing at the Tribunal. After President Pocar introduced the Prosecutor, Serge Brammertz, to the audience, the President, the Prosecutor and the Registrar briefed the group on the work of the Tribunal. In addition, the Prime Minister of the former Yugoslav Republic of Macedonia and the Minister for Foreign Affairs of Slovenia paid separate visits to the Tribunal to meet the President and the Prosecutor in January 2008.

19. In February 2008, President Pocar met with the Ambassador of Spain at the Tribunal. A Croatian delegation also visited the Tribunal and met the President. In addition, President Pocar held a meeting at the Tribunal with the Prosecutor of the State Court of Bosnia and Herzegovina.

20. In March 2008, President Pocar met at the Tribunal with a delegation from the Serbian Embassy and with representatives of the United Kingdom of Great Britain and Northern Ireland. President Pocar, the Registrar, and representatives of the Office of the Prosecutor also travelled with a delegation to Turin to attend a UNICRI conference, entitled "Promoting the Legacy of International Tribunals". In addition, President Pocar presented several lectures for the United Nations Audio-visual Library on International Law.

21. In April 2008, the President received the Austrian Ambassador at the Tribunal. He also met with the President of Brazil.

22. In May 2008, the President met the Ambassador of Bangladesh at the Tribunal. He was also visited by the President of the Cour de cassation of Belgium, the Head of the OSCE delegation in Bosnia and Herzegovina and the President of the International Criminal Tribunal for Rwanda. Further, the President welcomed a group of Cantonal and District Prosecutors from Bosnia and Herzegovina who paid a two-day working visit to the Tribunal. On 19 May, the President travelled to Bosnia and Herzegovina on a three-day working visit. He discussed the country's cooperation with the International Criminal Tribunal for the Former Yugoslavia, the escape of Radovan Stanković from the Foča prison, and issues related to the legacy of the Tribunal with a number of interlocutors, including the Presidency of Bosnia and Herzegovina, other state representatives and members of the judiciary and victims' associations. President Pocar also travelled to the town of Foča and visited the Foča prison. On 27 May, the President travelled to Vienna, where he met the Ambassador of the OSCE Office for Democratic Institutions and Human Rights and initiated a joint project focusing on support for national judicial authorities in the former Yugoslavia. On 28 May in Brussels, the President addressed in Brussels the Working Group on Public International Law of the Council of the European Union about the jurisprudence and the legacy of the Tribunal.

23. In June 2008, the President received at the Tribunal Her Royal Highness, Princess Astrid of Belgium. He also met with the President of the International Court of Justice. On 10 June, the President, the Prosecutor and the Registrar held a briefing for the diplomatic community in The Hague, addressing more than 60 representatives of States and international organizations on developments at the International Criminal Tribunal for the Former Yugoslavia and progress made in the

completion of its mandate. In his speech, President Pocar highlighted the importance of capacity-building and cooperation with the judicial institutions in the region as part of the legacy of the Tribunal. On 22 June, the President travelled to Ljubljana, where he met the Slovenian President and Minister for Foreign Affairs, as well as the State Secretary and Head of the Government Office for European Affairs. The completion strategy and achievements of the Tribunal, as well as the preservation of the institution's legacy, were discussed.

24. In July 2008, the Ambassadors of the United States of America and Chile paid two separate visits to President Pocar at the Tribunal. The President also met with representatives of the Netherlands.

25. The President and the Prosecutor reported to the United Nations on several occasions. On 15 October 2007, President Pocar addressed the General Assembly regarding the Tribunal's fourteenth annual report. On 10 December 2007, President Pocar addressed the Security Council regarding the seventh completion strategy report of the Tribunal. On 11 December 2007, the President, the Prosecutor and the Registrar participated in a meeting of the Security Council Working Group on the ad hoc Tribunals to discuss the Tribunals' legacy. In February 2008, President Pocar travelled to New York to discuss issues pertaining to the completion strategy with the Security Council Working Group on the ad hoc Tribunals. A further meeting between the President, the Registry and the Security Council Working Group on the ad hoc Tribunals was held in the same month via videoconference to discuss the temporary increase of ad litem judges necessary to start new cases. On 4 June 2008, the President and the Prosecutor briefed the Security Council on the completion strategy of the Tribunal.

26. In October 2007, President Pocar attended an informal meeting of legal advisers of ministries of foreign affairs in New York, where he addressed the latest developments in the jurisprudence of the Tribunal, the proliferation of international jurisdictions, and matters related to the completion strategy. Presidents of other international courts also attended the meeting.

### 4. Judicial activity

27. By virtue of the powers vested in him by the statute, the Rules and the Practice Directions of the Tribunal, the President issued numerous orders assigning cases to Chambers; reviewed several decisions of the Registrar; issued orders designating the State in which Mladen Naletilić, Vinko Martinović, Haradin Bala, Momir Nikolić, Dragan Zelenović, Vidoje Blagojević and Dragan Jokić are to serve their sentences; granted three requests for early release and rejected two other applications for pardon or commutation of sentence.

## B. Bureau

28. Pursuant to rule 23, the Bureau is composed of the President, the Vice-President and the Presiding Judges of the Trial Chambers. The President consulted the Bureau on issues relating to the functioning of the Tribunal and on requests for early release or commutation of sentence.

### C. Coordination Council

29. Pursuant to rule 23 bis, the Coordination Council consists of the President, the Prosecutor and the Registrar. During the reporting period, the Council met monthly to discuss, inter alia, staff retention, translation priorities, diplomatic relations, the Detention Unit, budgetary submissions and the use of the judicial recess for court hearings.

### D. Plenary sessions

30. During the reporting period, the judges held one regular plenary session and one extraordinary plenary session. At the extraordinary plenary session of 26 September 2007, Judge Fausto Pocar and Judge Kevin Parker were re-elected by acclamation to the positions of President and Vice-President of the Tribunal, respectively. At the plenary session of 28 February 2008, rules 67 and 75 were amended.

### E. Rules Committee

31. The Rules Committee is comprised of Judge Agius (Chair), President Pocar, Vice-President Parker and Judges Alphons Orie and O-Gon Kwon. The non-voting members include two representatives each from the Office of the Prosecutor, the Registry and the Association of Defence Counsel.

## III. Activity of Chambers

### A. Composition of the Chambers

32. Today, the Tribunal has 30 judges from 27 countries. The Chambers are composed of 14 permanent judges, two permanent judges from the International Criminal Tribunal for Rwanda serving in the Appeals Chamber, and 14 ad litem Judges.

33. The permanent judges are: Fausto Pocar (President, Italy), Kevin Parker (Vice-President, Australia), Patrick Robinson (Presiding, Jamaica), Carmel Agius (Presiding, Malta), Alphons Orie (Presiding, the Netherlands), Mohamed Shahabuddeen (Guyana), Liu Daqun (China), Theodor Meron (United States of America), Wolfgang Schomburg (Germany), O-Gon Kwon (South Korea), Jean-Claude Antonetti (France), Iain Bonomy (United Kingdom of Great Britain and Northern Ireland), Christine Van den Wyngaert (Belgium) and Bakone Justice Moloto (South Africa). The permanent judges from the International Criminal Tribunal for Rwanda serving in the Appeals Chamber are: Mehmet Güney (Turkey) and Andrésia Vaz (Senegal).

34. During the reporting period, the following served as ad litem Judges: Krister Thelin (Sweden), Janet Nosworthy (Jamaica), Frank Höpfel (Austria), Árpád Prandler (Hungary), Stefan Trechsel (Switzerland), Antoine Kesia-Mbe Mindua (Democratic Republic of the Congo), Ali Nawaz Chowhan (Pakistan), Tsvetana Kamenova (Bulgaria), Kimberly Prost (Canada), Ole Bjørn Støle (Norway),

Frederik Harhoff (Denmark), Flavia Lattanzi (Italy), Pedro David (Argentina), Michèle Picard (France), Uldis Ķinis (Latvia) and Elizabeth Gwaunza (Zimbabwe).

35. Trial Chamber I is composed of: Judges Orie (Presiding), Van den Wyngaert and Moloto. The ad litem Judges are: Lattanzi, Harhoff, Gwaunza and Ķinis. Section 1 of the Chamber consists of Judge Orie (Presiding), Gwaunza and Ķinis, and Section 2 consists of Judges Moloto (Presiding), Lattanzi and Harhoff.

36. Trial Chamber II is composed of: Judges Agius (Presiding), Parker and Kwon. The ad litem Judges are: Prost and Støle (as reserve ad litem Judge). Section 1 of the Chamber consists of Judges Agius (Presiding), Kwon, Prost and Støle, and section 2 consists of Judge Parker (Presiding) and, until recently, Judges Van den Wyngaert and Thelin.

37. Trial Chamber III is composed of: Judges Robinson (Presiding), Antonetti and Bonomy. The five sections are: Judges Bonomy (Presiding), Chowhan, Kamenova and Nosworthy (as reserve ad litem Judge); Judges Antonetti (Presiding), Prandler, Trechsel and Mindua (as reserve ad litem Judge); Judges Antonetti (Presiding), Harhoff and Lattanzi; Judges Robinson (Presiding), David and Picard; and Judges Robinson (Presiding), Van den Wyngaert and David.

38. Lastly, the Appeals Chamber is composed of Judges Pocar (Presiding), Shahabuddeen, Güney, Liu, Vaz, Meron and Schomburg.

## B. Principal activity of the Trial Chambers

### 1. Trial Chamber I

#### (a) Pretrial

**Perišić**

39. Momčilo Perišić is charged with violations of the laws or customs of war and crimes against humanity allegedly committed between August 1993 and November 1995 in Sarajevo and Srebrenica (Bosnia and Herzegovina), as well as in Zagreb (Croatia). The Trial Chamber is composed of Judges Orie (Presiding), Van den Wyngaert and Moloto (pretrial judge). Trial is scheduled to commence on 1 October 2008.

**Haraqija and Morina**

40. Astrit Haraqija and Bajrush Morina are charged with contempt of the Tribunal for alleged intimidation and interference with a protected witness. The Trial Chamber is composed of Judges Orie (Presiding), Van den Wyngaert and Moloto. Trial is scheduled for 8 to 12 September 2008.

#### (b) Trial

**Milošević**

41. Dragomir Milošević was charged with crimes against humanity and violations of the laws or customs of war allegedly committed in Sarajevo (Bosnia and Herzegovina) between August 1994 and November 1995. The Trial Chamber was composed of Judges Robinson (Presiding), Mindua and Harhoff. Judgement was

delivered on 12 December 2007. The accused was sentenced to 33 years of imprisonment.

**Haradinaj, Balaj and Brahimaj**

42. Ramush Haradinaj, Idriz Balaj and Lahi Brahimaj were charged with crimes against humanity and violations of the laws or customs of war allegedly committed in 1998 in Kosovo. The Trial Chamber was composed of Judges Orie (Presiding), Höpfel and Støle. Judgement was delivered on 3 April 2008. The accused Brahimaj was sentenced to six years of imprisonment. The accused Haradinaj and Balaj were acquitted.

**Gotovina, Čermak and Markač**

43. Ante Gotovina, Ivan Čermak and Mladen Markač are charged with crimes against humanity and violations of the laws or customs of war allegedly committed in Croatia in 1995. The Trial Chamber is composed of Judges Orie (Presiding), Kinis and Gwaunza. Trial commenced on 10 March 2008.

**Delić**

44. Rasim Delić is charged with violations of the laws or customs of war allegedly committed between July 1993 and December 1995 in Bosnia and Herzegovina. The Trial Chamber is composed of Judges Moloto (Presiding), Harhoff and Lattanzi. Trial commenced on 9 July 2007 and the evidence closed on 11 June 2008. The date for delivery of the judgement remains to be scheduled.

**Haxhiu**

45. Baton Haxhiu was charged with contempt of the Tribunal for writing and publishing an article which revealed the identity of a protected witness in the *Haradinaj et al.* case. Trial took place on 24 June 2008. On 24 July 2008, the judgement was delivered, finding the accused guilty of contempt and imposing a fine of €7,000.

**2. Trial Chamber II**

**(a) Pretrial**

**M. Stanišić**

46. Mićo Stanišić is charged with crimes against humanity and violations of the laws or customs of war allegedly committed in 1992 in Bosnia and Herzegovina. The Trial Chamber is composed of Judges Kwon (Presiding), Prost and Støle (pretrial judge). The trial has not yet been scheduled.

**Župljanin**

47. Stojan Župljanin is charged with crimes against humanity and violations of the laws or customs of war allegedly committed in Bosnia and Herzegovina in 1992. The Trial Chamber is composed of Judges Kwon (Presiding), Prost and Støle (pretrial judge). The accused was transferred to The Hague on 21 June 2008.

**Tolimir**

48. Zdravko Tolimir is charged with genocide, conspiracy to commit genocide, crimes against humanity and a violation of the laws or customs of war allegedly committed in Bosnia and Herzegovina in 1995. The Trial Chamber is composed of Judges Agius (Presiding), Kwon and Prost (pretrial judge). The trial has not yet been scheduled.

### (b) Trial

**Mrkšić, Radić and Šljivančanin**

49. Mile Mrkšić, Miroslav Radić and Veselin Šljivančanin were charged with crimes against humanity and violations of the laws or customs of war allegedly committed in Croatia in November 1991. The Trial Chamber was composed of Judges Parker (Presiding), Van den Wyngaert and Thelin. Judgement was delivered on 27 September 2007. The accused Mrkšić was sentenced to 20 years of imprisonment, the accused Šljivančanin was sentenced to five years of imprisonment and the accused Radić was acquitted.

**Boškoski and Tarčulovski**

50. Ljube Boškoski and Johan Tarčulovski were charged with violations of the laws or customs of war allegedly committed in the former Yugoslav Republic of Macedonia in August 2001. The Trial Chamber was composed of Judges Parker (Presiding), Van den Wyngaert and Thelin. Trial commenced on 16 April 2007 and concluded on 8 May 2008. Judgement was delivered on 10 July 2008. The accused Boškoski was acquitted on all counts and the accused Tarčulovski was sentenced to 12 years of imprisonment.

**Popović et al.**

51. Vujadin Popović, Ljubiša Beara, Drago Nikolić, Ljubomir Borovčanin and Vinko Pandurević are charged with genocide, conspiracy to commit genocide, crimes against humanity and a violation of the laws or customs of war. Radivoje Miletić and Milan Gvero are charged with crimes against humanity and a violation of the laws or customs of war. The crimes charged were allegedly committed in Bosnia and Herzegovina in 1995. The Trial Chamber is composed of Judges Agius (Presiding), Kwon, Prost and Støle (reserve judge). Trial commenced on 14 July 2006. The defence case started on 2 June 2008.

## 3. Trial Chamber III

### (a) Pretrial

**Đorđević**

52. Vlastimir Đorđević was indicted in October 2003 and was arrested on 17 June 2007 in Montenegro. His initial appearance was held on 19 June 2007 before the designated pretrial Judge, Frederick Harhoff. The accused was originally joined in the indictment in the case of *Milutinović et al.*, but his case was severed from his co-accused owing to the lateness of his arrest. Like his co-accused, he is charged with crimes against humanity and violations of the laws or customs of war allegedly committed in Kosovo in 1999. The case will be ready for trial by October 2008.

### J. Stanišić and Simatović

53. Jovica Stanišić and Franko Simatović are charged with crimes against humanity and violations of the laws or customs of war allegedly committed in Croatia and Bosnia and Herzegovina between April 1991 and December 1995. The trial bench is composed of Judges Robinson (Presiding), David and Picard. Trial commenced on 28 April 2008. Owing to the health condition of the accused Stanišić, on 16 May 2008, the Appeals Chamber adjourned the proceedings for a minimum of three months and directed the Trial Chamber to reassess Stanišić's state of health before deciding when the trial should commence.

#### Petković

54. Ljubiša Petković is charged with contempt of the Tribunal for failing to comply with a subpoena issued by the Trial Chamber, ordering him to appear as a Chamber witness in the *Šešelj* case. The Trial Chamber is composed of Judges Antonetti (Presiding), Lattanzi and Harhoff. Trial is scheduled for 3 September 2008.

### (b) Trial

#### Šešelj

55. Vojislav Šešelj is charged with crimes against humanity and violations of the laws or customs of war allegedly committed in Croatia, Bosnia and Herzegovina and Vojvodina (Serbia) between August 1991 and September 1993. The Trial Chamber is composed of Judges Antonetti (Presiding), Harhoff and Lattanzi. Trial began anew on 7 November 2007.

#### Milutinović et al.

56. Milan Milutinović, Nikola Šainović, Dragoljub Ojdanić, Nebojša Pavković, Vladimir Lazarević and Sreten Lukić are charged with crimes against humanity and violations of the laws or customs of war allegedly committed in Kosovo in 1999. The Trial Chamber is composed of Judges Bonomy (Presiding), Chowhan, Kamenova and Nosworthy (reserve judge). Trial commenced on 10 July 2006. The Chamber recessed on 21 May 2008, and the President reported to the Security Council regarding Serbia's failure to serve a summons on a potential Chamber witness. Following that report, Serbia served a subpoena on the witness, and in July 2008 the Chamber heard the witness' testimony. The Chamber recessed following this evidence until the closing statements which are scheduled for 19 to 22 August 2008.

#### Prlić et al.

57. Jadranko Prlić, Bruno Stojić, Slobodan Praljak, Milivoj Petković, Valentin Ćorić and Berislav Pušić are charged with grave breaches of the Geneva Conventions, crimes against humanity and violations of the laws or customs of war allegedly committed between November 1991 and April 1994 in Bosnia and Herzegovina. The Trial Chamber is composed of Judges Antonetti (Presiding), Trechsel, Prandler and Mindua (reserve judge). Trial commenced on 26 April 2006. The prosecution case has ended, and the Chamber began hearing defence evidence on 5 May 2008.

**M. Lukić and S. Lukić**

58. Milan Lukić and Sredoje Lukić are charged with crimes against humanity and violations of the laws or customs of war allegedly committed in Bosnia and Herzegovina between June 1992 and October 1994. The Trial Chamber is composed of Judges Robinson (Presiding), Van den Wyngaert and David. Trial commenced on 9 July 2008.

### 4. Referral Bench

59. There were no referral decisions during this reporting period; however, the Referral Bench continued to assess the previously referred cases through periodic progress reports submitted by the Prosecutor.

## C. Principal activities of the Appeals Chamber

### 1. Interlocutory appeals

60. Thirty-two decisions on interlocutory appeals were issued in the following cases: *Milutinović et al.* (3); *Delić* (1); *Gotovina et al.* (2); *Popović et al.* (7); *Prlić et al.* (11); *Šešelj* (4); *Stanišić and Simatović* (2); *Tolimir* (1); and *Petković* (1). Five interlocutory appeals are currently pending in the following cases: *Popović et al.* (2); *Prlić et al.* (2); and *Perišić* (1).

### 2. Request for review

61. One request for review of the appeal judgement was issued in the *Blagojević* case. One request for review is currently pending in the *Naletilić* case.

### 3. Appeals on the merits

62. The Appeals Chamber rendered six final Judgements in the cases of *Limaj et al.*, *Halilović*, *Zelenović*, *Hadžihasanović and Kubura*, *Orić* and *Strugar*. On 27 September 2007, the Appeals Chamber dismissed the appeals of the prosecution and Haradin Bala in their entirety and confirmed the latter's sentence of 13 years of imprisonment as well as the acquittals of Fatmir Limaj and Isak Musliu. On 16 October 2007, the Appeals Chamber dismissed the prosecution's appeal and affirmed Sefer Halilović's acquittal. On 31 October 2007, the Appeals Chamber dismissed Dragan Zelenović's appeal in its entirety and affirmed his sentence of 15 years of imprisonment. On 22 April 2008, it allowed Enver Hadžihasanović's appeal in part and reduced his sentence of five years of imprisonment to three years and six months of imprisonment. Amir Kubura's appeal was also allowed in part, and the Appeals Chamber reduced his sentence of two years and six months of imprisonment to two years of imprisonment. On 3 July 2008, the Appeals Chamber dismissed the prosecution's first ground of appeal, allowed Naser Orić's appeal in part, declined to consider all other grounds of appeal raised by the parties and reversed the convictions of Orić. On 17 July 2008, the Appeals Chamber dismissed all grounds of appeal by Strugar, allowed two grounds of appeal by the prosecution, entered two new convictions, took into account Strugar's post-trial health as a mitigating circumstance and entered a new sentence of seven and a half years of imprisonment.

63. During the reporting period, new appeals from judgement were filed before the Appeals Chamber in the *Mrkšić*, *Dragomir Milošević* and *Haradinaj et al.* cases. Two appeals are currently pending before the Appeals Chamber from the previous reporting period, in the *Krajišnik* and *Martić* cases. Pre-appeal activity is ongoing in the *Haradinaj et al.*, *Krajišnik*, *Dragomir Milošević* and *Mrkšić* cases. A total of 79 pre-appeal decisions and orders have been issued in the reporting period. The *Martić* case is in judgement-preparation stage and the *Krajišnik* case is currently being prepared for hearings.

#### 4. Other appeals

64. The Appeals Chamber rendered five decisions on other appeals in the following cases: *Gotovina et al.*, *Slobodan Milošević*, *Limaj et al.*, *Zelenović* and *Tolimir*.

## IV. Activity of the Office of the Prosecutor

### A. Overview

65. During the reporting period, the work of the Office of the Prosecutor continued apace and in many areas increased. Radovan Karadžić and Stojan Župljanin were arrested during this period. Ratko Mladić and Goran Hadžić remain at large.

66. The Office of the Prosecutor focused on completing trials and appeals proceedings, international cooperation and the arrest of fugitives, the transfer of cases and material and capacity-building.

67. Serge Brammertz was appointed by the Security Council as new Prosecutor in November 2007 and took office on 1 January 2008. Norman Farrell was appointed as Deputy Prosecutor, taking up his duties on 1 July 2008.

### B. Activity of the Prosecutor

#### 1. Completion of trials and appeals proceedings

68. Throughout the reporting period, the efforts of the Office of the Prosecutor concentrated on completing trials and appeals in accordance with the Tribunal's completion strategy. Compared with the previous year, the number of trials has increased. By the end of the reporting period, the Office of the Prosecutor was prosecuting 26 persons in 7 simultaneous trials, 2 of which were awaiting judgement. The cases of seven accused were at the pretrial stage, one of which had commenced earlier but was adjourned because of the health of an accused. One contempt case has been completed, and a further contempt case, involving two accused, is awaiting trial. Two accused remain at large.

69. During the reporting period, judgements were rendered in the *Mrkšić et al.*, *Dragomir Milosević*, *Haradinaj et al.* and *Boškoski and Tarčulovski* cases. The *Delić* case is awaiting judgement. The *Milutinović et al.* case, the first of the multi-accused cases, is nearing completion. In the two other multi-accused trials, *Prlić et al.* and *Popović et al.*, the prosecution completed its case.

70. To speed up work, the Office of the Prosecutor has, whenever feasible, proposed to join related cases. However, the cases against Vlastimir Đorđević and Zdravko Tolimir, arrested in June 2007, could not be joined with other related cases, and this has led to an increase in the workload of the Office of the Prosecutor. The request to join the *Tolimir* case to the *Popović et al.* trial was denied on account of the advanced stage of the existing trial. Joining the *Đorđević* case to the *Milutinović et al.* trial was impossible from the outset since the prosecution had already concluded its case. The Office of the Prosecutor intends to file a motion for joinder of the *Župljanin* case with the *M. Stanišić* case.

71. The Office of the Prosecutor was also involved in appellate proceedings on the merits in the following cases: *Krajišnik*, *Halilović*, *Zelenović*, *Hadžihasanović and Kubura*, *Orić*, *Martić*, *Strugar*, *Mrkšić et al.*, *D. Milošević*, *Haradinaj et al.* and *Limaj et al.*

## 2. Cooperation of States

72. In order to fulfil its mandate, during the reporting period, the Office of the Prosecutor continued to seek the full cooperation of States in the former Yugoslavia and other States, as required under article 29 of the statute.

73. Cooperation from States in the former Yugoslavia remains vital in several areas: the access to archives and the provision of documents, access to and protection of witnesses, and the search for and arrest and transfer of the remaining fugitives, including taking the necessary measures against those who continue to support them.

74. The Prosecutor spent substantial time and effort seeking the assistance of States in all these areas. Both Prosecutor Carla Del Ponte (between 1 August and 31 December 2007) and Prosecutor Serge Brammertz (since 1 January 2008) met on several occasions with political and judicial authorities and representatives of the international community in Bosnia and Herzegovina, Croatia, Serbia and Montenegro. The Prosecutor regularly receives ambassadors based in The Hague.

### Serbia

75. Serbia has provided adequate responses to a number of requests for assistance. However, significant obstacles remain in relation to access to some key archives and documents for ongoing trials or those that are in the pretrial phase.

76. The Office of the Serbian War Crimes Prosecutor has facilitated the appearance of certain important witnesses and on several occasions taken actions to protect International Criminal Tribunal for the Former Yugoslavia witnesses who received threats. However, interference with witnesses, particularly in the form of witness intimidation and the growing failure of witnesses to appear voluntarily to testify remains a grave concern of the Office of the Prosecutor.

77. The apprehension of the remaining fugitives remains the most critical area of cooperation. On 11 June, Stojan Župljanin was arrested by Serbian authorities. He was transferred to The Hague on 21 June 2008. On 21 July, Radovan Karadžić was arrested by Serbian authorities. He was transferred to The Hague on 30 July 2008. The National Security Council of Serbia, the Action Team in charge of tracking International Criminal Tribunal for the Former Yugoslavia fugitives and the Office of the War Crimes Prosecutor had a central role in the arrests.

78. During the first part of the reporting period, the pace of work of security agencies in charge of tracking fugitives was generally slow and there was a lack of coordination. However, the arrests of Stojan Župljanin and even more, Radovan Karadžić, who was a fugitive for over a decade, demonstrate the improvement in Serbia's cooperation with the Tribunal. The Office of the Prosecutor will continue to work closely with the authorities and security agencies in the hope of arresting the two remaining fugitives

**Croatia**

79. The Office of the Prosecutor requested Croatia to grant access to Government archives and produce documents in the *Prlić* and *Ante Gotovina* cases, two cases for which Croatia's cooperation is required. Although certain archival materials were made available, requests for key documents are still pending. In the *Ante Gotovina* case, the Office of the Prosecutor has requested the Court to order Croatia under rule 54 bis to produce these crucial documents and information.

**Bosnia and Herzegovina**

80. The authorities of Bosnia and Herzegovina have granted access to Government archives and provided documents requested. Moreover, the authorities continued to provide adequate responses to requests for assistance and facilitate the appearance of witnesses before the Tribunal. The authorities are encouraged to continue taking proactive steps against those engaged in helping fugitives evade justice or otherwise obstructing the Tribunal's effective implementation of its mandate.

**The former Yugoslav Republic of Macedonia**

81. The cooperation of the authorities of the former Yugoslav Republic of Macedonia with the Office of the Prosecutor in relation to the *Boškoski and Tarčulovski* trial was generally satisfactory.

**Montenegro**

82. During the reporting period, the Office of the Prosecutor continued to seek cooperation from Montenegro to take the necessary action against the networks supporting fugitives. The Office of the Prosecutor encourages Montenegro to continue taking all necessary measures in this regard.

**Cooperation from other States and organizations**

83. The support of the international community and of international and regional organizations remains essential to the activities of the Office of the Prosecutor. The Office of the Prosecutor continued to request States to provide documents and information necessary for the preparation of its trials and appeals. Assistance and support from States to arrest remaining fugitives also remained crucial.

84. In Bosnia and Herzegovina, the Office of the Prosecutor continued to enjoy close cooperation with and support from the Office of the High Representative, European Union Force (EUFOR) and the North Atlantic Treaty Organization.

85. The Office of the Prosecutor appreciates the support provided by international and regional organizations such as the European Union, the Organization for

Security and Cooperation in Europe (OSCE), the Council of Europe and non-governmental organizations.

### 3. Transfer of cases and investigative files and capacity-building

86. By June 2007, all pending rule 11 bis cases had been transferred to Bosnia and Herzegovina (six cases), Croatia (one case) and Serbia (one case). The Office of the Prosecutor has worked closely with these authorities on transferred cases, which are monitored by OSCE on behalf of the Office of the Prosecutor. The reports received from OSCE serve as a basis for the progress reports submitted to the Tribunal Referral Bench on each case.

87. The Office of the Prosecutor transferred investigative material involving lower-level perpetrators to national prosecution authorities in Bosnia and Herzegovina, Croatia and Serbia. Thus far, the Office of the Prosecutor has sent eight case files to Bosnia and Herzegovina, two case files to Croatia, two case files to Serbia and four case files to the former Yugoslav Republic of Macedonia. The Office of the Prosecutor also regularly responds to specific requests for assistance from national prosecution authorities in relation to ongoing domestic investigations and trials.

88. The Office of the Prosecutor continued to fully support the furtherance of the rule of law in the region through its capacity-building activities, by sharing expertise and knowledge and providing direct access to its extensive document collections and databases. The Office of the Prosecutor signed an agreement on access to the prosecution's electronic disclosure system with Montenegro on 6 December 2007. Similar agreements had previously been concluded with Croatia, Bosnia and Herzegovina and Serbia.

89. The Office of the Prosecutor continues to work closely in partnership with prosecution authorities in the region so that they can continue to effectively prosecute war crimes cases and strengthen cooperation with each other in criminal matters.

## V. Activity of the Registry

90. During the reporting period, the Registry, headed by Registrar Hans Holthuis, continued to provide operational support to the Chambers and the Office of the Prosecutor in accordance with the statute and to manage the administration of the Tribunal.

91. The impact of the completion strategy on the discharge of this statutory mandate remained significant. The Registry worked with the President's Office, Chambers and the Office of the Prosecutor to coordinate the implementation of the completion strategy and also worked closely with the Secretariat in New York and with the International Criminal Tribunal for Rwanda.

92. The cooperation of the Registry with other international tribunals and courts has been ongoing. The Registrar held monthly videoconferences with his counterpart from the International Criminal Tribunal for Rwanda, consulted whenever necessary with the Registrars of the International Criminal Court and the Special Court for Sierra Leone, and made available resources to the Extraordinary

Chambers in the Courts of Cambodia. Moreover, the Registry provided assistance to the Office of Legal Affairs in setting up the Special Tribunal for Lebanon.

## A. Office of the Registrar

93. The Office of the Registrar consists of the Registry Advisory Section for Legal and Policy Matters and the Communications Service.

94. During the reporting period, the Registry Advisory Section for Legal and Policy Matters diversified its advisory services. These services now include advice on contracts, legal procurement and human resources matters, claims against the International Criminal Tribunal for the Former Yugoslavia, the negotiation of international agreements on privileges and immunities, liaison with the Office of Legal Affairs and States Members of the United Nations on specific issues, and host State relations. The Registry Advisory Section for Legal and Policy Matters has developed a large network of contacts in the administration of the host State.

95. The Registry Advisory Section for Legal and Policy Matters managed to finalize four agreements on the enforcement of sentences imposed by the Tribunal and to significantly advance negotiations on agreements on the relocation of sensitive witnesses.

96. The Communications Service, under the Registrar's supervision, comprises a Media/Outreach/Web Section and a Library/Publications/Tribunet/Visits Section. The main external communication priority of the Tribunal has been the finalization of a comprehensive redesign of the Tribunal website, which is scheduled for launch in the summer of 2008 (www.un.org/icty). The work of the Tribunal Outreach Programme continued to set the standard for international courts, with a broad range of innovative and important activities in the region of the former Yugoslavia. With regard to Library/Publications/Tribunet/Visits Section, the integration of the Library, which previously reported to the Deputy Registrar, has been successfully completed, and the Library continued to provide access to current and timely legal information and references.

## B. Judicial Support Services Section

97. During the reporting period, the Court Management and Support Services Section supported 12 trials involving 35 accused, as well as several contempt and appeals hearings. The Section assisted with nine rule 92 bis missions and eight video links. On two occasions, the Section helped to coordinate trial sessions held by the Tribunal Trial Chambers in Bosnia and Herzegovina, providing staff and logistical support.

98. As several accused have chosen to proceed without the assistance of legal counsel, the Court Management and Support Services Section, in collaboration with the Victims and Witnesses Section, the Office of Legal Aid and Detention, the United Nations Detention Unit, and other areas of the Registry ensured that the self-represented accused had adequate facilities to prepare and present their cases.

99. Furthermore, the Court Management and Support Services Section worked closely with the Tribunal Archivist to execute a strategic plan for migration and preservation of court session video records, case files, evidence, exhibits, and

administrative records. This effort is being conducted in collaboration with the Archives and Records Management Section of the United Nations and the International Criminal Tribunal for Rwanda.

100. The Conference and Language Services Section provides interpretation, translation and court reporting services for the needs of the Tribunal. During the reporting period, the Section translated 75,000 pages into English, French, Bosnian/Croatian/Serbian, Albanian and Macedonian and registered 8,500 conference interpreter days. Court reporters provided verbatim French and English transcripts for 11 trials involving 33 accused.

101. The Victims and Witnesses Section consists of three main Units. Since 1 August 2007, the Operations and Support Units have brought 392 witnesses and accompanying support persons to The Hague to testify in 16 cases between August 2007 and 15 April 2008. The Support Officers functioned at full capacity as the Units continued to ensure expert services to victims and witnesses, including counselling as well as practical and social support.

102. The Protection Unit of Victims and Witnesses Section coordinated professional responses to an increased number of threats to witnesses before, during and after their appearance at the Tribunal and worked towards relocating protected witnesses when appropriate.

103. During the reporting period the workload of the Office of Legal Aid and Detention increased significantly owing to the unprecedented number of accused persons on trial and the high number of defence team members in pretrial, trial and appeal, to whom it provided logistical support and assistance. For instance, the Office facilitated 225 individual defence network accounts for defence team members, and 192 remote access tokens are currently in use, enabling defence access to the Tribunal judicial database from anywhere in the world.

104. Additionally, in cooperation with the United Nations Detention Unit, the Office of Legal Aid and Detention assisted self-represented accused, including by assigning legal advisers and other support staff, facilitating privileged communication with certain categories of defence team members, and responding to various requests for facilities in the United Nations Detention Unit.

105. In keeping with an Appeals Chamber decision in a case involving a self-represented accused, the Office of Legal Aid and Detention adopted a special remuneration scheme for persons assisting indigent self-represented accused. Provision was also made for the assignment of an investigator, a case manager and, where necessary, a language assistant.

106. Throughout the reporting period, the Office of Legal Aid and Detention also continued to work in close cooperation with the Association for Defence Counsel to resolve issues of concern to defence counsel and to expeditiously provide all necessary support to enable defence counsel to fulfil their important role in upholding international justice. The Association for Defence Council played an active role in ensuring the professional integrity of its membership and participated in consultations on major decisions and policies affecting defence counsel, including participation in meetings of the Rules Committee.

107. Finally, the Office of Legal Aid and Detention shared its experience and best practices in administrating the legal aid of the Tribunal with the Special Court for

Sierra Leone and during seminars organized by the International Criminal Court. The Office also contributed to the capacity-building of the State Court of Bosnia and Herzegovina by sharing its experience during a State Court visit to the Tribunal.

108. During the reporting period, the United Nations Detention Unit continued to operate at a high level of activity, serving the judicial process on a daily basis for up to 28 accused in the trial phase while providing secure custodial care to all detained persons. Additional challenges included an ageing detainee population with an average age of over 56 years, resulting in increased health-care concerns, including complex medical conditions; an unprecedented number of provisional releases of varying duration; and facilitating the additional requirements of multiple self-representing accused and detainees charged with contempt of the Tribunal.

109. In October 2007, a new services and facilities agreement with the Government of the Netherlands came into force, offering additional flexibility and financial savings. The agreement is likely to create a firm foundation for future negotiations in the downsizing phase of the Tribunal. Also in October 2007, an agreement with the Government of the Czech Republic commenced for the services of four experienced Czech prison officers, thereby enhancing the international character of the Detention Unit.

## C. Administrative Support Services Division

110. During the reporting period, the Budget Section was responsible for coordinating the preparation of the second performance report for the biennium 2006-2007 and exercising budgetary control and post management in respect of assessed budget and extrabudgetary resources.

111. In its resolution 62/374, the General Assembly decided to appropriate, before recosting, to the Special Account for the Tribunal a total amount of $339,439,600 gross ($310,952,100 net) for the biennium 2008-2009, which reflected an increase in real terms of $12,865,700 gross, or 3.9 per cent ($13,821,600 net, or 4.7 per cent), compared to the revised appropriation for the biennium 2006-2007 (A/61/585). After recosting, the funds appropriated for the biennium 2008-2009 amounted to $347,566,900 gross ($316,472,100 net).

112. The new staffing table approved for the biennium 2008-2009 includes a total of 990 posts in 2008 (987 posts for the International Criminal Tribunal for the Former Yugoslavia and 3 posts for Office of Internal Oversight Services Resident Auditors) and 732 posts in 2009 (a reduction of 258 posts to be gradually implemented between August and November 2009).

113. During the 2008-2009 biennium, extrabudgetary resources are estimated at $3,133,200, reflecting a net decrease of approximately $700,000, to be utilized for a variety of Tribunal activities. The decrease results from the completion of ongoing projects for which full funding had been received. As of 31 May 2008, cash donations of approximately $44.3 million had been received for the voluntary fund to support the activities of the Tribunal. A total of $142,418 is currently outstanding in respect of pledged contributions. For the period from 30 April 2007 to 31 May 2008, the Tribunal received $802,117 in voluntary cash contributions.

114. During the reporting period, the Human Resources Section recruited 76 staff in the Professional and higher categories and 124 General Service staff. The section

oversaw the administration of a total of 1,146 staff members: 472 at the Professional level (47 per cent of whom are female) and 674 at the General Service level. The Tribunal has staff from 82 countries. A total of 231 interns provided assistance to the Tribunal, while the number of consultants and individual contractors totalled 206 and conference interpreters and translators numbered 410.

115. As the departure of key personnel in advance of the completion dates would have a negative impact on the ability of the Tribunal to meet its mandate, the Human Resources Section has implemented a number of measures to retain staff, including extended training activities, in which some 950 staff took part.